

EDITORIAL

“The idea of law, in spite of everything, seems still to be stronger than any ideology of power.” -H. Kelsen

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August 27th, 2012 might be remembered as a landmark date in Colombia's recent history; President Juan Manuel Santos Calderón made a public announcement in which he made official the Government's intention to begin peace talks and negotiations with FARC, the fifty year old Colombian guerrilla.

The aforementioned insurgent group has heavily opposed the governmental institutional framework of the country, through arguments of social inequality and corruption. Nowadays, the FARC find themselves weakened in their military power given the heightened official armed confrontation- beyond any ethical, legal and political implications of these actions. Likewise, they find themselves delegitimized given their insidious practices such as extortion, kidnapping, landmine use and financing their activities through drug trafficking.

Within that context, Colombia is presented with an opportunity that might become groundbreaking in its history. Now more than ever different stakeholders that represent many sectors of the society seem to be willing to commit to serious and open

negotiations. In order to achieve a society that lives among less violence, which is more stable and which may achieve its goals in the global context.

A question that should be posed, within the discipline and ethical commitment that are part of *International Law*, is whether Public International Law may contribute with concrete tools that would help achieve the goal of peace in Colombia. Accordingly, another question that arises is the role the international community could and should play within the peace process.

First, questioning whether Public International law may have contributions to this process calls for a closer look at the evolution this field has had lately. Within the legal framework of this field, States have transitioned from *states of coexistence* into *states of cooperation*. These concepts have been widely developed by Wolfgang Friedman and René-Jean Dupuy.

Henceforth, having as a start point the international community seeks to achieve common goals and interests, and that in some way or another States are free, equal and sovereign. Peace goes beyond a negative perspective, it being no war, to become a multi-thematic space in which the protection and guarantee of human rights, economic development, respect for the environment and peaceful resolution to disputes have become priorities.

Peace is a common interest of all States, from a twofold perspective. At a broad and general level, it is consistent with the international standard and consensus in which the use of force is banned and peaceful resolution to disputes is a privileged goal. Furthermore, specifically in the context of a globalized world in which territorial boundaries are sometimes unclear and flexible, stability of any and all actors is a positive aspect for the region; on the contrary, uncertainty regarding the stability of a society could have devastating effects and a trickle down effect among other states. Is within this background that the Organization of American States has given full support to this endeavor. Likewise, Norway, a country which at first glance would have no interests at stake in a Colombian peace process, has already

hosted and will remain to be the host of where these negotiations will take place.

The framework of what will be debated will revolve around five fundamental issues: rural development, guarantees to the exercise to the right of opposition, end of the armed conflict, the fight against drug trafficking and the redress and repair to victims.

Undoubtedly Public International Law will contribute many and varied tools to help support the peace process in Colombia. Particularly those related to the guarantees to the promotion and protection of human rights, transitional justice frameworks, peace building and peace keeping measures, humanitarian norms, cooperation and burden sharing schemes, just to name a very few.